

Probate Court Policies and Procedures
Central Division, Madge Bradley Bldg.
Honorable William H. Kronberger, Jr. Presiding
[Effective June 1, 2004]

Probate Department Courtroom Staff:

Court Clerk: Jeri Porch
Bailiff: Ennis Bibb
Reporter: Denise Galltin

Courtroom: 619-687-2001

Probate Examiners:

Clare Gates
Danilo Jariel
Dorothy Dodd
Jerica Scurlock
Terri Daniel
Patti Xavier

Pat Orozco

Court Investigators:

Richard Costantinou
Hector Lanza

Contact number: 619-687-2000

Contested Ex Parte Applications

Contested Ex Parte Applications will be heard by reservation only, Monday through Thursday, at 8:45 AM. Moving papers, and declarations, must be filed in the business office by 10:00AM the day preceding the contested hearing. Counsel may obtain a reservation by calling 619-687-2000, and asking to speak with the "Duty Examiner". Please note there is a limit on the number of daily reservations.

The Court will permit reservation of a date up to five (5) court days in advance, so that sufficient time for notice might be allowed. The Moving Party must call the "Duty Examiner" on the day prior to the reserved hearing before 3:00 PM to confirm that the matter remains scheduled, and has not been withdrawn, postponed, or otherwise cancelled. Failure to confirm the hearing date will result in the matter being removed from the Ex Parte calendar.

All pleadings on behalf of the Moving Party shall be filed with the Probate Business Office no later than 10:00 AM on the date preceding the hearing. Parties appearing ex parte shall serve the application, or any written opposition, on all other appearing parties at the first reasonable opportunity. The court will not entertain the exchange of pleadings during the Ex Parte hearing. Absent exceptional circumstances, no hearing shall be conducted unless such service has been made.

All Ex Parte Matters

A party seeking any ex parte order, shall provide reasonable notice to all persons entitled to notice. The Court considers "reasonable notice" to mean no later than 10:00 AM, the court day before the ex parte appearance, absent a showing of exceptional circumstances. A declaration of notice, including the date, time, manner, and name of the party informed, the relief sought, any response, and whether opposition is expected, or a declaration stating reasons why notice should not be required, shall accompany every request for an ex parte order. The Court will not consider a request to waive notice when the recipient's address is unknown unless the request is accompanied by the declaration required by California Rule of Court 7.52.

Counsel are reminded that an Ex Parte application requires an affirmative factual showing by declaration containing competent testimony based on personal knowledge of irreparable harm, immediate danger, or

any other statutory, or local rule basis for ex parte relief rather than setting the matter for hearing on noticed motion.

Ex Parte Applications which do not include a separately prepared Order will not be considered.

Law and Motion

Law and Motion matters are heard at 1:30 PM on Monday, in accordance with California Rule of Court 324. The Court will post a Tentative Ruling by Friday afternoon at 3:00 PM. The ruling may be accessed at <http://www.sandiego.courts.ca.gov/superior/> or by telephoning 619-531-3690. There is no requirement that counsel give a notice of intent to appear. [See Cal Rule of Court 324(a)(2)] If both counsel wish to submit on the Tentative Ruling and not appear for argument, please inform the Court by contacting the department clerk.

Deadlines for filing Law and Motion Pleadings are governed by CCP§ 1005, and California Rules of Court. Provisions of the Local Rules of Probate, including, but not limited to, §§ 4.7, 4.24, and 4.171, which are inconsistent with CCP§ 1005, are not applicable to Law and Motion matters, and will not be observed by the Court. Late pleadings will not be considered.

Discovery motions may not be calendared for hearing without obtaining Ex Parte leave of the Court. Counsel wishing to file Discovery Motions shall reserve a time for Ex Parte Application, giving appropriate notice to all parties as set forth above for Contested Ex Parte Applications. Counsel shall meet and confer, in person, in good faith, prior to the Ex Parte appearance. Such meeting shall constitute the good faith meeting required under the Code of Civil Procedure prior to an award of discovery sanctions.

Counsel shall not include the full contents of the Motion or Points & Authorities with the request for Ex Parte hearing, it being the experience of the Court that most discovery disputes may be resolved informally without the necessity of formal motions. The Court does require, however, a pleading, no longer than one page, double-spaced, setting forth the discovery issue(s) to be calendared for hearing.

Trials and Evidentiary Hearings

Counsel are reminded that there is a set time limit for trials and Evidentiary Hearings. Short Cause matters will last no longer than 3 hours. Evidentiary Hearings and Trials set in excess of 3 hours will last no longer than the period for which they have been set. This Court's calendar **DOES NOT PERMIT** trials or evidentiary hearings to last longer than they have been calendared for, or continuances for completion. Failure to complete the Trial/Evidentiary Hearing may result in a Mistrial.

The Court's hearing schedule is from 9:00 AM to 12:00 PM, and 1:30 PM to 4:30 PM, with a 15 minute recess in the morning and afternoon. Counsel must complete their matters within the time allotted. The Court **will not** entertain continuing the hearing past the 12:00 pm, or 4:30 pm, limit in order to complete the proceeding. Please plan accordingly.

Exhibits must be Pre-Marked. All evidence will be marked with a single series of numbers without identifying the introducing party. Please provide an extra set of exhibits for the Court and the Witnesses